

# Child Support Commissioner and Family Law Facilitator Program (Assem. Bill 1058)

Assembly Bill 1058, signed by the Governor in September 1996, provides an expedited process in the courts that is accessible and cost-effective to families involved in child support cases, and offers them assistance in dealing with other issues concerning their children, such as health insurance, custody, and visitation. Most significantly, AB 1058 establishes the Child Support Commissioner and Family Law Facilitator program—the first legislatively mandated statewide effort to provide procedural guidance to families involved in the court system because their child support cases are being enforced by the district attorney.

The legislation results from the work of the Governor's Child Support Court Task Force, which included family law judges and commissioners, private and public attorneys, representatives of the Judicial Council and the California Department of Social Services (DSS), and members of various groups representing fathers, mothers, and children.

## 50 COMMISSIONERS

Under the Child Support Commissioner and Family Law Facilitator program, 50 commissioners statewide hear Title IV-D child support matters, which are actions in which the district attorney helps to establish, modify, or enforce a child support order. Each court is

responsible for the hiring and assignment of the commissioners. Smaller counties are encouraged to share commissioners and other resources.

Under the new statute, all actions filed by the district attorney to establish, modify, or enforce child or spousal support or to establish paternity must be referred for hearing to a child support commissioner. The commissioner's duties include reviewing and determining *ex parte* (from one side only) applications for orders and writs, taking testimony, establishing a record, evaluating evidence, and making recommendations or decisions.

## FUNDING

A cooperative agreement between the DSS and the Judicial Council provides for full state funding by DSS (with two-thirds of the funds provided by the federal government) for the 50 commissioners and their support staff. Commissioner funding for fiscal year 1999–2000 was \$30 million.

The cooperative agreement between the Judicial Council and DSS provides funding for the Office of the Family Law Facilitator. Funding for the program was increased by 25 percent in 1999–2000, and \$11 million has been allocated for the program.

In addition, half of the courts now provide supplemental funds for their facilitator programs to expand the family law assistance available to litigants.

## **58 FACILITATOR OFFICES**

AB 1058 also requires the superior court in each of California's 58 counties to maintain an Office of the Family Law Facilitator to provide education, information, and assistance to pro per litigants with child support issues at no charge. Each court appoints an attorney with mediation or litigation experience in family law and licensed to practice law in California to head the Office of the Family Law Facilitator.

The facilitator program helps some 30,000 parents throughout the state each month. For the parents, facilitators are a valuable resource to demystify courtroom procedures and humanize the court system. For judges, commissioners, and courtroom personnel, their assistance increases the efficiency and effectiveness of child support decisions, since with their help parents have legal papers prepared correctly and more fully understand how to present their case and collect their support. Ultimately facilitators help parents focus on the goal of the child support case—the proper care of children.

## **DUTIES**

The core mandated duties of the facilitator include providing educational materials to parents, distributing court forms and voluntary declarations of paternity, providing assistance in completing forms, preparing support schedules

based on statutory guidelines, and providing referrals to local child support agencies, family court services, and other community agencies.

Other duties include mediation of support issues, assisting parties in drafting agreements, preparing guideline support calculations, reviewing the parties' paperwork, and preparing formal orders consistent with the court's announced order. Individual courts may create additional duties for the facilitator as the program matures and the need arises and as sources of additional funding are secured.

## **OTHER PROVISIONS**

Among its other provisions, AB 1058:

- Adopts uniform and simplified procedures for all child support cases;
- Improves procedures for establishing child support that provide longer notice to the person from whom support payment is sought and allow a more expedited method for the establishment of child support;
- Establishes certain administrative remedies for the local child support agency in enforcing support orders; and
- Requires that the person requesting services become a party to an action brought by the local child support agency once a support order is made, and allows issues of custody, visitation, and restraining orders to be determined in the action.

The 27-member Judicial Council is the policymaking body of the California courts, the largest and busiest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the staff

## **JUDICIAL COUNCIL'S ROLE**

The Judicial Council plays a major role in the Child Support Commissioner and Family Law Facilitator program through its Center for Children and the Courts. It is responsible for administering the program, adopting rules and forms, adopting minimum standards for the Office of the Family Law Facilitator, and taking other actions to ensure the program's success, such as establishing minimum educational and training requirements for the commissioners and other court personnel (Fam. Code, § 4252(b)(2)), providing training and technical assistance for the facilitators, and serving as a clearinghouse of information. Based on recommendations from the Family and Juvenile Law Advisory Committee, the council made determinations about the following issues involving child support commissioners.

Minimum qualifications (Fam. Code, § 4252(b)(1));

Caseload, case processing, and staffing standards setting forth the maximum number of cases each commissioner may process (Fam. Code, § 4252(b)(3));

Technical assistance to counties about issues related to implementation and operation of the system, including sharing of resources between counties (Fam. Code, § 4252(b)(5)); and

Procedures for the distribution of funding (Fam. Code, § 4252(b)(6)).